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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,565	02/10/2004	Mark E. Wentland	BOEI-1-1245	1439

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EXAMINER

SWIATEK, ROBERT P

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,565

Applicant(s)

WENTLAND ET AL.

Examiner

Robert P. Swiatek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 16-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-14-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lanning (US 1,905,389). The Lanning aeroplane includes lavatories 18 separated by a partition from the aircraft main cabin 16, with each lavatory including a commode and a sink (see Figure 5 of Lanning). The right-hand sink as seen in Figure 5 of Lanning is considered to be located externally of the left-hand lavatory. As to claim 4, although not shown *per se*, a sink is considered to be an inherent part of kitchen 10 of Lanning; the latter sink is located exteriorly of the lavatories 18.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Painter (US 2,817,091). The lavatory complex—a trailer—of Painter includes male and female bathroom facilities 25, 23. The female facility includes stall units 28-30 separated from sinks 32; the male facility includes urinals 38, 39, sinks 37, and enclosed commodes 31. Exterior walls 11-16 separate (“partition”) the Painter lavatory complex from the outside environment. Although the Painter lavatory unit is not part of an aircraft, it could be incorporated into an aircraft or carried aboard a transport aircraft inasmuch as instant claims 1, 5, 13, 14 merely recite a lavatory facility “for an aircraft cabin.” As to claims 4, 12, 13, while a sink exterior to the Painter complex is not

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shown, *any* sink situated outside of the complex—for example, in the nearest house or office building—is considered to “read” on this limitation.

Claims 1-4, 12-15 are objected to because of the following informalities: In claim 1, line 4, claim 12, line 2, and claim 13, line 16, each occurrence of “external” should be changed to –externally–; in claim 4, line 2, “exterior” should be changed to –exteriorly–. Appropriate correction is required.

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: Inventor Shimasaki’s signature is not dated.

The abstract of the disclosure is objected to because in line 1, “is provided” should be deleted. Correction is required. See MPEP § 608.01(b).

Applicants should note that claims 16-35 must be canceled prior to allowance of this application.

The publication to Renken et al. (US 2002/0145080 A1) has been cited to provide an example of an aircraft having commodes and, optionally, urinals (see paragraph 0026).

RPS: 571/272-6894
17 June 2005

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 3643